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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DITECH FINANCIAL, LLC F/K/A GREEN
TREE SERVICING, LLC,

Plaintiff,

v.

SFR INVESTMENTS POOL 1, LLC;
ELKHORN COMMUNITY ASSOCIATION,

Defendants.

AND RELATED CASES

Case No.: 2:15-cv-00476-JCM-CWH

JUDGMENT

Pursuant to the United States Court of Appeals for the Ninth Circuit's memorandum dated November 21, 2019 (ECF No. 111) and its mandate dated December 13, 2019 (ECF No. 112);

IT IS ORDERED AND ADJUDGED that the clerk's judgment (ECF No. 107) issued in favor of SFR Investments Pool 1, LLC (**SFR**) be and hereby is VACATED;

IT IS FURTHER ORDERED AND ADJUDGED that Ditech Financial, LLC f/k/a Green Tree Servicing LLC (**Ditech**)'s motion for summary judgment (ECF No. 69) is GRANTED. The Federal Foreclosure Bar, 12 U.S.C. § 4617(j)(3), expressly precludes the extinguishment of Federal National Mortgage Association (**Fannie Mae**)'s property interest without the Federal Housing Finance Agency's consent, and preempts the Nevada statute that otherwise allows properly conducted HOA foreclosure sales of superpriority liens to extinguish all junior interests, including deeds of trust. Therefore, the Court declares that the deed of trust recorded in the Official Records of Clark County, Nevada against the real property located at 7701 Flourish Springs Street, Las Vegas, Nevada 89131 (APN 125-16-613-001), as instrument number 20071213-0001569 (the **Deed of Trust**), was not extinguished, impaired, or otherwise affected by the foreclosure sale conducted by Elkhorn Community Association on December 11, 2012 (the **HOA Foreclosure Sale**), or the recording of the Trustee's Deed Upon Sale in the Official Records of Clark County, Nevada on

1 December 13, 2012, as Instrument No. 201212130001077, reflecting that SFR purchased the
2 Property at the HOA Foreclosure Sale. SFR's interest in the property is subject to the Deed of Trust.

3 **IT IS FURTHER ORDERED AND ADJUDGED** that Ditech's remaining claims are
4 DISMISSED AS MOOT.

5 **IT IS FURTHER ORDERED AND ADJUDGED** that SFR's motion for summary
6 judgment (ECF No. 68) is DENIED.

7 **IT IS FURTHER ORDERED AND ADJUDGED** that SFR Investments Pool 1, LLC's
8 counterclaim against Ditech is DISMISSED AS MOOT.

9 **IT IS FURTHER ORDERED AND ADJUDGED** that Elkhorn Community Association's
10 third party claim against Absolute Collection Services, LLC is DISMISSED AS MOOT.

11 **IT IS FURTHER ORDERED AND ADJUDGED** that final judgment is hereby entered
12 resolving all claims in this case. This clerk is instructed to close the case.

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15 UNITED STATES DISTRICT JUDGE

16 DATED: January 31, 2020
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